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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,878	03/05/2007	Yoshitaka Nishio	49288.3200	1799
2022 7590 02/16/2011 SNELL & WILMER L.L.P. (Main) 400 EAST VAN BUREN ONE ARIZONA CENTER PHOENIX, AZ 85004-2202				
EXAMINER LEE, LAURA MICHELLE				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
02/16/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/596,878

Applicant(s)

NISHIO, YOSHITAKA

Examiner

LAURA M. LEE

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the scribing line forming mechanism" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momosaki (U.S. Publication 2003/0047048) in view of Galindez (U.S. Patent 4,372,471). As best understood, Momosaki discloses a scribing line forming mechanism (Figure 1) comprising: a scribing line forming means (rotating blade, 13) being structured so as to form a scribing line on a substrate by contacting the substrate, and the scribing line forming mechanism (1) is configured to move on a surface of the substrate and to pull the scribing line forming means (13) to form the scribing line on the surface of the substrate along a movement path line (i.e. E) of the scribing line forming mechanism (as shown in Figure 1, the scribe line forming mechanism 1 is manually pullable about path line E and thus pulls the cutter wheel) ; and a supporting means (65) for supporting the scribing line forming means (13) such that the scribing line forming means (13) is turnable about a first turning axis (defined by rotating support piece 11), the supporting means (65) being structured so as to be turnable about a second turning axis (defined by pivot piece 66), the second turning axis (66) being different from the first turning axis (11), wherein the axial center of the first turning axis and the axial center of the second turning axis are approximately in parallel (both are vertical axis), the first turning axis (11) extends through the scribing line forming means (13) and the second turning axis (66) extends through the supporting means (65) and the axial center of the second turning axis (66) is distant by a predetermined interval (i.e. approx. by the length of 65) from a portion where the substrate and the scribing line means

forming means contact each other and the axial center of the second tuning axis is substantially perpendicular to a surface of the substrate; a scribing head (3) comprising a pressure application means (oil storage body 30 /oil; which is situated directly over the cutter and its weight applies a downwards force over the area of the case 21 onto the cutter; pressure = force over area) for applying a pressure force to the scribing apparatus in order to press the scribing line forming means (13) onto the substrate, such that the scribing line forming means (13) forms the scribing line on the substrate, wherein the scribing line is formed in a same direction (ccw or cw about the pivot 60 along the path E) as a moving direction of the scribing head (3).

Momosaki discloses that the scribing head is manually moved and does not disclose a moving means for moving the scribing head on a surface. However, attention is also directed to the Galindez reference. Galindez also discloses a glass cutting device that utilizes the movement of a rotary cutter to impart a cut line on a substrate as similarly shown by Momosaki. Galindez however, also discloses both manual and motorized means of moving the scribing head to automate and better control the movement of the cutter. As it is well known to automate an otherwise manual operation, it would have been obvious to one having ordinary skill in the art to have similarly automated the movement of the Momosaki scribing head as taught already in the art by Galindez by incorporating a motor and pneumatic cylinder (alternative pressure means) to similarly control the cutter movement.

It is noted that the limitation of "is distant by a predetermined interval" does not imply a constant or fixed interval. Applicant should also note that the limitations scribing

line forming means are not in compliance with the Supplemental Guidelines published in the Official Gazette on July 25, 2000. Such limitations cannot be used to invoke 35 USC 112, 6th paragraph, and have therefore been given their broadest reasonable interpretation, without considering equivalence.

In regards to claim 2, Momosaki discloses wherein the scribing line forming means includes a cutter wheel (13), and the supporting means (65) includes a cutter supporting means (3) for the cutting wheel (13) such that the cutter wheel is rotatable (at 11).

In regards to claim 3, Momosaki discloses wherein the supporting means (65) includes a bearing (bearing, 12) for supporting the scribing line forming means (13).

Response to Arguments

6. Applicant's arguments filed 12/22/2010 have been fully considered but they are not persuasive. The applicant's arguments state that in amended claim 1, it has been set forth that the scribing head has a scribing line forming mechanism. However, this distinction has not been set forth in the claim language. The claim language has not been amended to define the structural relationship between the supporting means and the scribing line forming means and the scribing head. It is suggested to set forth in the claim language the structural relationship between the supporting means and the scribing line forming means as being apart of the scribing head and to better define the relationship between the supporting means and the scribing line forming means.

Allowable Subject Matter

7. Claims 5-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/596,878
Art Unit: 3724

Page 7

/Laura M Lee/
Primary Examiner, Art Unit 3724
2/12/2011